

## **FITCHBURG PLANNING BOARD MEETING MINUTES**

**TUESDAY, MARCH 18, 2008**

**MEMBERS PRESENT:** Paula Caron, Chair

John DiPasquale

Mike DiPietro

Mike Hurley

Paul Fontaine, Jr.

Elizabeth Slattery

**MEMBERS ABSENT:** Nancy Maynard

**PLANNING OFFICE:** David Streb

Mike O'Hara

### **Call to Order**

Meeting called to order at 6:05 p.m. in the Veteran's Room, First Floor, City Hall.

### **Communications**

- Public Meeting for discussion of proposed Conservation Restriction on Northern Watershed land owned by C. of F. – Weds. April 2<sup>nd</sup> @ 7:30 p.m.
- 
- Priority sites named pursuant to MGL c.43D (expedited permitting) are:  
Lagoon site across street from West Wastewater Treatment Plant, and Simonds Saw & Steel's old wastewater lagoons.
- 
- 40R Smart Growth Consultant – Concord Square Development has been selected.
- 
- Changes to Wetlands Regulations & Low Impact Development - Presentation by Conservation Commission member at ConCom meeting on Tuesday, March 25<sup>th</sup>.
- 
- Wind Ordinance is signed by Mayor & is now effective. Replacement pages will be distributed to necessary departments/people.
- 
- Notice of proposed sale of Ch. 61A Land on Pearl Hill Road. 5,290 sq. ft. strip to be sold to 859 Pearl Hill Rd. – City has Right of first refusal. Planning Board did not have objection to conversion and sale of 5,290 sq. ft. parcel.
- 
- Petition to buy vacant 7,000 s.f. lot at 9 Nutting Street by Edgewater Development is before Council. Edgewater's attorney, George Watts, was informed that a Special Permit for an "infill" lot from the Planning Board would also be required. Edgewater recently built on an infill lot nearby.
- 
- 

### **Meeting Minutes**

Motion made & seconded to approve minutes of the February 19, 2008 meeting with one correction.

Vote unanimous to approve.

### **ANR plans**

The Board reviewed and endorsed the following "ANR" plan:

#### **Soini, Ashby West Road**

Splitting off 1.18 acre "Parcel A" to be combined with adjacent lot at 577 Ashby West Rd.

Remainder of Soini parcel has 300 feet frontage and 43 acres.

#### **Minor Site Plan Review**

None.

### **OTHER BUSINESS**

#### **Extension -- South St. Crossing subdivision, Aho**

Atty. Watts representing David Aho. The Definitive Plan was endorsed 6-22-05 and conditioned upon a three-year deadline to complete. Applicant seeking an extension of time.

Status: 20-lot subdivision -- Seven houses are completed (not all sold). Two are under construction, one has foundation only. Applicant is requesting a two-year extension for completion. Condition 22 requires a vegetation strip supplemented by plantings to screen abutting property. This has not been completed.

Board: this must be done this spring. Motion made & seconded to grant extension granted to June 2010, subject to installation of screening by June 22, 2008. Vote unanimous in favor.

Mill Overlay District amendment

Discussion on need for Zoning Ordinance amendment to add additional buildings to the Mill Conversion Overlay District. Some parcels were left off the original list since they had already been converted to other uses. Board voted unanimously to approve submission of Petition to initiate zoning amendment to increase the # of parcels in the overlay district.

Roadway abandonment petition – Richardson Road

Mr. Streb brought up an old petition to abandon Richardson Road between Kyle and Arn How Farm Road. Board voted to recommend abandonment, or discontinuation of the Way.

Special Permit & Definitive Subdivision Plan - Fisher Road LLC, 20 lots, off Fisher Rd.

Ms. Caron explained that this hearing would not be opened. Postponed until plan for a “flexible” development is received from Whitman & Bingham. Applicant was to have a revised “cluster” plan submitted for this meeting; they had not yet done so. Abutters would be notified of hearing when they do.

**PUBLIC HEARINGS**

**Special Permit & Scenic Road hearing - Vaillancourt, new driveway, 747 Mt. Elam Rd.**

**(continued from 1-22-08)**

*Voting members present on 1-22-08: Caron, DiPietro, Hurley, Maynard, Slattery (5).*

*Paul Fontaine Jr. and John DiPasquale were not present at that meeting but reviewed minutes of prior hearing and chose to participate because of local adoption of “Mullin Rule” statute.*

*Action: Approved.*

Atty. Watts represented applicant. Presented plan dated 3-11-08.

He pointed out conflict in Ordinance. Section 181.751 says 10-foot setback is required, but another section states driveways are exempt from setback requirements.

Public comment:

Bonnie Darcy owner of adjacent property to the left: Grew up there. She submitted pictures of the area. Stated her objection. In 2002 he got variances. Second driveway in that location will cause house property values to suffer, more impervious ground, flooding onto her property. His driveway was in existence in 2001 when 10-foot setback from the property line was first adopted. Other driveways on Mt. Elam Road have at least 30-50 feet between them. There will be 20 feet between her and Mr. Vaillancourt's driveway. This second driveway and the removal of the wall and trees is not in keeping with the neighborhood character of Mt. Elam Road and has an adverse impact to the neighborhood. These give sufficient reasons to deny the Special Permit.

Mr. Fontaine asked Mr. Vaillancourt why not go straight into garage?

Mr. Vaillancourt answered – two-story addition entering from front would look funny attached to a ranch.

Public Hearing closed at 8:30 p.m.

Mr. DiPasquale stated that the proposed driveway looks OK to him.

Mr. DiPietro stated that a Special Permit test is that no harm comes to abutters and that includes aesthetics. He has concerns about the 3-foot setback from the driveway to the property line.

Mr. Fontaine stated we are only talking blacktop. The addition conforms to Zoning Ordinance setbacks.

Motion made & seconded to approve the Special Permit and the removal of stone wall under the Scenic Road Act. Vote 5-1 to approve, with Mr. DiPietro opposed.

**Special Permit & Definitive Subdivision Plan - Neighborhood Development Trust,  
20-lot Planned Unit Development - "Independence Estates", off Franklin Rd. & Constitution Dr.  
(continued from 2-19-08)**

*Voting members present: Caron, DiPasquale, DiPietro, Fontaine, Hurley, Slattery (6)*

*Action: Hearing continued to April 15.*

Eric Sullender, Jim Moriarty and Frank Bovenzi present. Plan presented by Nate Mahonen of Hannigan Engineering:

Project reconfigured to 20 lots, including existing house. Eliminated common driveway. Significant discussion with Water Department regarding existing water main. They added a "T" turn around to the lots on Franklin Road.

Public comment:

Mike Perry, 1260 Franklin Road: Is this Special Permit to trump the Zoning Laws? If so, then he'd like to speak on three issues. First, there are currently 460 houses listed on MLS and over 200 in foreclosure. So there is no need for housing. Second, regarding environmental impact: the clearing on this site will have a large environmental impact. Third, doesn't this depreciate the value of the area homes. These proposed sale prices will represent a 25% reduction in home values. Also, there are safety issues regarding the railroad tracks on a curve, where fires can happen when trains apply their brakes and the houses could burn down.

David Streb asked about the Open Space to be dedicated that will bring the density to over 30,000 square feet per unit.

A plan was submitted showing location of proposed open space on west side of Burma Road.

Mr. Perry: Are those houses going to go in backwards?

Eric Sullender: He is talking about the units at Oak Ridge. There was no way to flip the houses around because of the approved plan. These houses will face the street. He offered to change the two on the end to face Franklin Road if the Board wanted.

Concerns expressed over the number of lots along Franklin Road and the size of the lots.

Concern also rose about the location of the Open Space not being contiguous to the development.

Peter Chabot, 474 Fifth Mass Turnpike: Stated there was two feet of water on the new Fifth Mass Turnpike Bridge from water coming down Franklin Road from the development.

Eric Sullender explained that Verizon needs to move the poles and described the work that they have done in Franklin Road. Three outcrops need to be cut back and further down hill they have cut back trees.

Mr. Perry: They did do repair of the storm drain near his driveway. When installing the gas line they cracked ledge, so now water comes out of the road.

Mr. Bovenzi stated he will look into it.

Mr. Chabot: Invited people to take a ride down Franklin Road.

Judith Haverty, resident of 79 Greenbriar Road in Oak Ridge stated she was happy with that development.

Mr. Perry: Are the trees going to be taken down along Franklin Road?

Eric Sullender: We'd normally go before the Tree Warden to take down the frontage trees, but there aren't that many. They'll try to save as many trees as they can. They will also modify the plan to give the look of Franklin Road.

Jim Moriarty: Spoke about their history with the site. Explained that they try to develop responsibly. He said it is not economically feasible to have a 100-foot buffer zone along Franklin Road.

Mr. DiPasquale suggested getting rid of Lot #1 to make street look better.

Mr. Chabot – Is there a water easement up there? He has to be 80' off the road due to water easements.

Eric Sullender offered to give a tour on a Saturday or weeknight regarding the street improvements and the water run-off issues.

Site walk to be set up. Date to be determined and emailed to members

Motion made & seconded to continue hearing to April 15. Vote unanimous in favor.

**Definitive Subdivision Plan - Mullane Construction, 6 lots off Fifth Mass. Turnpike**

*Voting members present: Caron, DiPasquale, DiPietro, Fontaine, Hurley, Slattery (6)*

Applicant Steve Mullane and Jesse Johnson, David E. Ross presented. Described plan and waivers being requested.

Ms. Caron asked about landscaping in the center of the cul-de-sac.

Mr. DiPasquale asked about the residential sprinkler system and how it would work in a power failure.

Mike O'Hara said that Deputy Fire Chief Steve Morand has an issue with 24-foot width of road.

Board discussion regarding 24 ft. vs. 28 ft. road width. The Board would allow 24-foot width as homes to be sprinkled, individual driveway lengths can accommodate multiple guests (no parking in roadway), short road length (500 ft), minimal # of homes served (6), no curbs along roadway (LID design).

Peter Chabot, Fifth Mass Turnpike: What are the price ranges for the homes?

Steve Mullane: not sure – hopes to keep prices below \$300,000.

Peter Chabot: Feels that this project fits into the neighborhood better than the "Independence Drive" project.

Mr. Fontaine: Have you looked into permeable pavers? Reply: yes, but they are cost prohibitive.

Mr. Fontaine: Then he should put in a sidewalk on the east side. Also put a pad along Fifth Mass Turnpike for the kids to wait for the bus.

Ms. Caron requested field stone walls at entrance to development, in keeping with the rural nature of the roadway.

Board determined that a streetlight was needed at the intersection of the proposed road & Fifth Mass Turnpike.

Board reminded applicant that a payment to the Sidewalk Fund (equal to the waiver of one sidewalk) would be required for the waiver of sidewalks in the development. Also, payment for the Detention Pond Maintenance Fund.

Peter Chabot: Back in 1978 they extended water and sewer up Franklin Road and there was a polluted well that they say came from the farm area. So the developer should be aware of this.

Answer was that the wells have to be approved by the Board of Health.

Applicant was previously informed by city that proposed name of "Lauren Lane" would likely have to be changed as it is too similar to existing street names for purposes of 911. Board informed applicant that proposed street name needs to be provided to city council for approval in advance. City Council has authority over choosing street name.

Waivers granted as requested regarding: allowance of a 10% street grade, 24 ft. street width (LID principal), sidewalks, curbing, private wells (subject to BOH approval), 3.5' cover over drain piping (subject to engineering approval), grass-lined swales, development impact statement.

Granite bounds and street light waiver request not granted.

Public Hearing closed at 9:45 p.m.

Motion made & seconded to approve plan subject to sprinkling the homes and other conditions written down by Ms. Caron. Vote 6-0 in favor. Conditions will be drafted by M. O'Hara & circulated to Board members for final approval at next meeting.

**Recission of Special Permit - Fairway Homes, JCJ, Inc., Arn-How Farm Road & Billings Road**

*Voting members present: Caron, DiPasquale, DiPietro, Fontaine, Hurley, Slattery (6)*

*Action: Condition #22 of Special Permit amended*

*Action: Hearing continued to April 15<sup>th</sup>.*

Letter from Bill Scully, MS Transportation dated 3-18-08 reviewed by the Board.

Ralph Romano, representing JCJ, explained that if the Special Permit is rescinded, property will be without any value and the bank may foreclose on the property. The preferred alternative is that the design of road improvements referred to in Condition #22 be shifted from the Roundabout project to the Ashby State Road-Kinsman Road project.

David Nickless, 699 Arn-How Farm Rd.: The developer hasn't done anything he's promised to do.

At Mr. Romano's request, Public Hearing continued to April 15<sup>th</sup>.

**Special Permit - Metro PCS, 0 Franklin Rd. - co-locate wireless communications facility**

*Voting members present: Caron, DiPasquale, DiPietro, Fontaine, Hurley, Slattery (6)*

*Action: Approved.*

Andy Candiello, representing Metro PCS spoke. Metro PCS is a new carrier, trying to develop network on the east coast. Proposed new set of antennas at 151 feet, not increasing the height of the Oak Hill tower.

New equipment cabinets will be within fenced enclosure. Access to the tower is via Crown Castle's new access road installed a couple years ago, not thru the Oak Ridge development. A lease arrangement with the City for use of the tower is pending.

M. O'Hara stated Judy Judge, Deputy Water Commissioner has commented that she would like a pre-construction conference to make sure contractors working out they are aware of exact location of water line.

Andy Candiello: Crown Castle will be doing the construction for them. They are willing to set up a pre-construction meeting.

Motion made & seconded to approve Special Permit subject to a pre-construction conference, and approval of lease arrangement with the City for the co-location.

Vote 6-0 to approve.

**Special Permit - Metro PCS, 609 Wanoosnoc Rd. - co-locate wireless communications facility**

*Voting members present: Caron, DiPasquale, DiPietro, Fontaine, Hurley, Slattery (6)*

*Action: Approved.*

Andy Candiello, Metro PCS also spoke on Co-location on Wanoosnoc Road tower. Proposed six antennas at 100 feet, ground equipment within existing compound. Four cabinets 3'x3'x6' tall.

Steven Holt, Olin Ave. asked about the antennas. They will use the same type of antennas.

The Construction Manager for Metro PCS was invited but was unable to attend. They promised to have a pre-construction conference with Keith Dooling prior to construction.

Keith Dooling: should the Board be approving an additional wireless carrier if a previous special condition was not met.

Ms. Caron: He should submit his concerns in writing so that they can be referred to Zoning Enforcement Officer.

Motion made & seconded to approve Special Permit subject to submission of a revised plan showing the location of the stream and bridge, and that they put a plate over the bridge during the construction phase.

Vote 5-1 to approve, Mike Hurley opposed.

**OTHER BUSINESS**

Minor modification -- 26 Willow St. Special Permit, Aho

Atty. Watts & David Aho present requesting modification of the Special Permit #04-32 from 36 rental units (28 2-BR & 8 1-BR) to suites -- 19 six-bed suites, 4 five bed suites and 8 one-bed suites. Will be marketed to students, but at this time no commitment from FSC to lease units.

Board OK-ed the requested change as a minor modification, subject to satisfactory submission of long-term commitment from FSC.

Gary Darman, Oak Point - proposed over-55 development - Pearl Hill Rd.

Discussion of proposed 500+ unit manufactured housing development on the former Bingham tree farm between Pearl Hill Rd. & New West Townsend Road. They are trying to determine whether to for a PUD Special Permit or a petition for rezoning to make their own special over-55 zoning district.

The Board expressed no preference. Mr. Darman said they would probably do a PUD.

Mr. Streb expressed concerns that project was too dense & too far away from center of city.

Ms. Caron stressed that a PUD must contain satisfactory open space and that the concept plan that was shown a few months ago does not appear to meet that requirement.

Meeting adjourned 10:40 p.m.

Next meeting: April 15, 2008

approved: 4-15-08